

In the United States Court of Federal Claims

No. 11-869C

(Filed: March 21, 2014)

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*
CAROLINA POWER & LIGHT CO., et al., *
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Plaintiffs, *
*
v. *
*
THE UNITED STATES, *
*
Defendant. *
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ORDER AMENDING JUDGMENT

On March 19, 2014, counsel for the Plaintiffs filed a motion to alter or amend the Court's March 13, 2014 Judgment that Plaintiffs recover \$103,748,230.14 from the United States. (Dkt. No. 61). Counsel for the Government concurs with the motion. By agreement of the parties, the Court hereby adopts the following two adjustments.

First, in its March 10, 2014 opinion, the Court ruled that Plaintiffs' damages claim of \$104,991,508 should be reduced by \$162,927 for indirect costs identified by the Government's expert that are attributable to direct costs that had been voluntarily removed from the claim by Plaintiffs. (Dkt. No. 60). However, the Plaintiffs' adjusted claim amount of \$104,991,508 already reflected the voluntary deduction of this amount. The Judgment is corrected so that only one deduction is taken.

Second, the Court removed \$107,452 in indirect costs from Plaintiffs' damages calculation when it denied Plaintiffs' claim for the Brunswick Computer System Replacement. However, the Government's expert estimated indirect costs related to the computer system upgrade to be \$237,877. Plaintiffs do not dispute this calculation. Therefore, Plaintiffs' claim is reduced by an additional \$130,425.

Accordingly, the Court increases Plaintiffs' damages award by the net difference of these adjustments ($\$162,927 - \$130,425 = \$32,502$), to $\$103,780,732.14$. The Clerk is directed to enter an amended judgment.

IT IS SO ORDERED.

s/ Thomas C. Wheeler
THOMAS C. WHEELER
Judge